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LETTER DATED 24 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As the representative of the State which organized the meeting, I have the honour to transmit the texts of the Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, on the results of the meeting held in Moscow on 23 December 1996, and of the Protocol on the basic functions and powers of the Commission on National Reconciliation (see attachments).

I should be grateful if you would have this letter and its attachments circulated as a document of the Security Council.

(Signed) S. LAVROV

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Annex I

Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, on the results of the meeting held in Moscow on 23 December 1996

The President of the Republic of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, understanding the ruinous nature of the military and political confrontation and aware of the high responsibility for the future of the Tajik people and State, having met in Moscow on 23 December 1996, have agreed as follows:

The inter-Tajik talks and the implementation of the agreements reached during them must be completed within 12 to 18 months from the date of signature of the present Agreement;

Bearing in mind that the signature of the present Agreement marks the beginning of a qualitatively new phase in the attainment of peace and national accord, they have taken the policy decision to establish for the above-mentioned transition period a Commission on National Reconciliation. A representative of the Tajik opposition will serve as Chairman of the Commission. The delegations to the talks are instructed to determine in the course of the next round, which is to begin in Tehran on 5 January 1997, the quantitative and personal composition of the Commission and its specific functions and powers;

There is a need to implement a universal amnesty and reciprocal pardoning of persons who took part in the military and political confrontation from 1992 up to the time of adoption of the Amnesty Act;

To conduct within the shortest possible time a full exchange of prisoners of war and other prisoners. They requested the United Nations Mission of Observers in Tajikistan and the International Committee of the Red Cross to extend the necessary assistance for the conduct of this humanitarian activity;

From the date of signature of the present Agreement, to proclaim a ceasefire and the cessation of other hostile activities for the entire period of the inter-Tajik talks;

For the purposes of establishing peace in the country, they have given instructions to the delegations to the talks to conclude them by 1 July 1997 through the signature of the documents provided for in the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition express their gratitude to the representatives of the Russian Federation, the Islamic Republic of Iran, the Islamic State of Afghanistan, the other observer States at the inter-Tajik talks and the Secretary-General of the United Nations, Mr. B. Boutros-Ghali and his Special Representative,

Mr. G. Merrem, for their hospitality and their cooperation in organizing the meeting in Moscow.

(Signed) Emomali Sharipovich RAKHMONOV
President of the Republic of
Tajikistan

(Signed) Said Abdullo NURI
Leader of the United Tajik
Opposition

(Signed) G. MERREM
Special Representative of the
United Nations Secretary-General
in Tajikistan

Annex II

Protocol on the main functions and powers of the Commission on National Reconciliation

In connection with the beginning of a qualitatively new phase in the attainment of peace and national accord in Tajikistan and in accordance with the Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, the parties have taken the decision to establish for the transition period a Commission on National Reconciliation.

The main purposes of the Commission are the attainment of national reconciliation through the implementation of the agreements reached in the course of the inter-Tajik talks, the creation of an atmosphere of trust and mutual forgiveness, and the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan.

For these purposes, the Commission is assigned the tasks of:

Devising a monitoring mechanism and monitoring compliance by the Parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Implementing measures for the safe and appropriate return of the refugees, their active involvement in the social, political and economic life of the country and the provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to Parliament and the local representative bodies;

Establishment for the transition period of a Central Commission on Elections and the Conduct of the Referendum;

Reform of the Government - inclusion of representatives of the opposition (the United Tajik Opposition) in the structures of executive authority, including ministries, departments, local authorities, judicial bodies and law enforcement agencies, in proportion to the representation of the parties in the

Commission on National Reconciliation and taking into account the regional principle;

Guidance and monitoring of the disbandment, disarmament and reintegration of the armed units of the opposition, and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war, other prisoners and forcibly detained persons;

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by Parliament and the Commission on National Reconciliation;

Development of a mechanism for converting the military-political movements into political parties;

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Decisions adopted by the President and the Commission regarding issues of national reconciliation shall be binding on the authorities.

The activities of the Commission on National Reconciliation shall be conducted in close cooperation with the United Nations Mission of Observers and the OSCE Mission in Tajikistan.

The Commission on National Reconciliation shall cease its activities after the convening of the new Parliament and the establishment of its authorities.

The present Protocol forms an integral part of the Agreement signed in Moscow on 23 December 1996 by E. S. Rakhmonov, S. A. Nuri and G. D. Merrem.

(Signed) E. S. RAKHMONOV
President of the Republic of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik Opposition

(Signed) G. D. MERREM
Special Representative of the United Nations Secretary-General in Tajikistan

23 December 1996